



Women's and girls' experiences of security and justice in Somaliland

Becky Carter

Institute of Development Studies

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Question

What does the evidence tell us about women's and girls' experiences of security and justice in Somaliland? Based upon the available literature, please include an analysis of:

- *Gendered differences in access to security and justice, including barriers in access;*
- *Gendered differences in experiences of security and justice providers;*
- *Examples of actions to promote gender equality in the security and justice sector.*

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The K4D helpdesk service provides brief summaries of current research, evidence, and lessons learned. Helpdesk reports are not rigorous or systematic reviews; they are intended to provide an introduction to the most important evidence related to a research question. They draw on a rapid desk-based review of published literature and consultation with subject specialists.

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1. Summary

In Somaliland women and girls experience poor security, with high rates of sexual and gender-based violence (SGBV), and significant barriers to gender equality in the pluralistic legal system. The predominant clan-based customary justice system, along with conservative social norms and religious beliefs, discriminates against women and girls, while weak formal state institutions are not able to deliver accessible and effective justice for vulnerable and marginalised groups. Social stigma silences SGBV survivors and their families, with many rape crimes resolved through customary compensation or marriage. National and international organisations have undertaken various activities to promote gender equality in security and justice, with support provided to formal and informal security and justice institutions and actors at national and local levels, as well as initiatives to empower women and girls.

This rapid review seeks to provide an overview of the publicly available literature from academic, donor and non-government organisation sources on women's and girls' experiences of statutory and customary security and justice in Somaliland. "Security and justice" covers a wide range of institutions and practices. There is limited robust statistical evidence on gendered experiences of security and justice in Somaliland, but the review found a number of qualitative analyses exploring the barriers to women's and girls' enjoyment of effective security and justice, with a focus on SGBV. Less research was found on gendered experiences of justice in other areas such as family, property and employment law. There also appears to be little in-depth gendered analysis of Somaliland's security forces, in particular on women's and girls' experiences with the armed forces. The review also found very little on the security and justice experiences of women and girls with disabilities.

The key findings of this rapid review are:

Gendered differences and barriers

- Security and justice in Somaliland are provided through **a combination of statutory, customary, and religious systems**, negotiated by state actors, clan elders and religious leaders. These systems influence each other and are not clearly distinct. In rural and remote areas in particular clan-based customary law is the primary source of security and justice.
- **Customary security and justice – underpinned by the traditional patriarchal clan system and influenced by Sharia (Islamic) law – discriminate against women and girls in various ways:** women have subordinate status and value while male powerholders can interpret the uncodified law and take advantage of the multiple providers and laws to reinforce traditional power imbalances; and inter-group conflict resolution is prioritised over individual rights and responsibility for crimes such as rape.
- **Weak and distrusted state security and justice institutions** impede women's and girls' access to security and justice, with reports of under-funding, corruption and limited capacity and accountability.
- A key threat to women's and girls' security and justice is the "**normalisation**" of **SGBV and widespread impunity for rape** (Jordan, 2017: 5; Horizon Institute, 2018: 2).
- **Fear of social stigma and further abuse** is a strong deterrent stopping SGBV survivors seeking justice.

- With women largely excluded from security and justice decision-making within formal and customary institutions, **women’s voice and perspective has traditionally not been valued in areas of security and justice** crucial to women and girls.
- Some women and girls are more vulnerable to SGBV and discrimination within formal and informal justice systems, including “[**internally displaced persons**] and **refugees, young women and adolescents, minority groups, people with disabilities**” (Jordan, 2017: 4).

Experiences of security and justice providers

- Many SGBV cases are resolved through **customary law** which is “**often harmful to victims**” (Jordan, 2017: 38), with perpetrators typically paying fines or marrying the woman/girl.
- **Some SGBV survivors are supported to seek criminal prosecution** by their families, local civil society organisations and at times also by clan elders.
- **Weak formal institutions often lead to the SGBV victim and her family opting out of the formal criminal justice process**, due to lack of a victim-centred approach, insufficient victim support services, and a low capacity of police to gather sufficient evidence to prosecute and convict, among other factors.
- There have been also **barriers to gender equality in justice over child maintenance, inheritance, divorce, and marriage**, with men using customary law to “circumvent” women’s rights (Bendaña & Chopra; 2013: 57, 58).

Activities promoting gender equality in security and justice

- **A number of activities are supported by national and international actors to promote gender equality in security and justice in Somaliland**, including support to legal reform; capacity-building to formal security and justice institutions and actors; improving community access through paralegals, mobile clinics, legal aid; women’s advocacy and awareness-raising groups and networks; SGBV prevention and response services; and working with local traditional authorities.
- Key challenges include: the **lack of rigorous data** to be able to judge with confidence the overall impact of these activities (UNDP Independent Evaluation Office, 2020: 45); the potential of interventions promoting gender equality and enhanced participation to **cause violent backlash or consolidate existing hierarchies** (Harper, 2019: 3).
- Key priorities include **reaching the most marginalised**, especially outside urban areas; **improving the quality** of security and justice services (such as from a human rights perspective); and **linking “with non-state actors** who are the main providers of safety, security and justice” (UNSOM et al., 2019: 8-9).

2. Context

Somaliland's security and justice is underpinned by: (Horizon Institute, 2018: 6; Richards, 2020: 1072; Abdi Omer & Jibril, 2017: 3; Glawion, 2020: 26)

- 1) **a complex blend of the formal state security and justice system** (with codified secular laws implemented by state actors, such as the police and judiciary, among others);
- 2) **unwritten customary law (Xeer) and traditional intra- and inter-clan conflict resolution institutions** and processes implemented by elders;
- 3) **Islamic Sharia law** led by religious leaders.

These three parts do not form independent or clearly differentiated systems; in practice the relationship between them is one of ongoing negotiation (Bendaña & Chopra, 2013: 53; Richards, 2020: 1072).

In practice, the **clan-based customary system tends to be “the primary source of justice and security for local people”** (Moe & Simojoki, 2013: 397). UNSOM et al. (2019: 6) estimated “nearly 8 in 10 citizens still experience justice in the traditional customary courts” with Sharia courts “often favoured for business cases”. Following on from traditional leaders’ central role in the 1991 “reconciliation and political reconstruction processes”, **male clan elders are perceived as the “fundamental custodians ... of peace and stability, retributive justice, safety and security”** (Moe & Simojoki, 2013: 397; Bendaña & Chopra, 2013: 51). In particular customary law is predominant in rural and remote areas where formal state services are weak or absent (Richards, 2020: 1072; Horizon, 2018: 1; Glawion, 2020).

3. Gendered differences and barriers to accessing security and justice

Patriarchal clan system and discriminatory social norms

Customary law is **upheld by the patriarchal clan system and informed by traditional gender norms which discriminate against women and girls**, acting as barriers to their enjoyment of security and justice in a number of ways (Walls et al., 2017):

- Women and girls are treated in customary law “according to their subordinate social status as wives, mothers, sisters, or other relationships towards her male relatives” (Bendaña & Chopra, 2013: 58; Walls et al., 2017: 59)
- Women are considered to be worth half the value of men under customary law, making “transgressions against women’s rights ... less of a concern than those carried out against men” (SIHA Network, 2018: 30).
- Customary law prioritises inter-group conflict resolution through collective responsibility and compensation (Moe & Simojoki, 2013: 398; Bendaña & Chopra, 2013: 52, 56). This “removes any individual criminal responsibility for crimes, such as rape and sexual assault” (Jordan, 2017: 37).

- Customary law is “uncodified and subject to interpretation”; male leaders hold the power to negotiate and modify customary agreements (Walls et al., 2017: 73).
- Customary actors can use the “competition, negative co-optation or confusion” between the different providers and laws with Somaliland’s pluralistic system to “reinforce and reward” traditional power balances: clans will pressure judges and the police, while in turn judges and the police “will reflect and respond to various clan interests” (Moe & Simojoki, 2013: 397; Bendaña & Chopra, 2013: 49; see also Harper, 2019: 29).

Families and community leaders play a key part in deciding what form of justice women and girls will use, according to qualitative research by Jordan (2017: 38). “Familiar and culturally relevant” customary law is attractive to communities and families for a variety of reasons, which can block women and girls from accessing state justice services (Jordan, 2017: 38):

- Customary law is perceived to be quicker, less expensive, and geographically accessible (in comparison to remote state services), while compensation is considered a “positive way to settle conflict” between groups and minimise retaliation (Jordan, 2017: 37-38).
- Some families – navigating between supporting the victim’s rights, and her and the family’s wellbeing and reputation – can pressure victims to use customary law, to ensure confidentiality; reduce the victim’s (and the family’s) shame; and receive the compensation payment (which goes to the male members of the family), particularly attractive to poorer households (Byrskog et al., 2018: 43; Jordan, 2017: 38; Horizon Institute, 2018: 18).
- Elders also have a financial incentive for victims to use customary justice, as they receive a portion of the compensation paid by the perpetrator’s family to the victim’s family (Horizon Institute, 2018: 13).

Sharia law

Article 5.2 of the Constitution requires that “the laws of the nation shall be grounded on and shall not be contrary to Islamic Al-Sharia” (Horizon Institute, 2018: 7). However, in practice Sharia law takes precedence only “if the presiding judge in a case has expertise in Sharia law” (Horizon Institute, 2018: 7). Jordan (2017: 41) found that “Sharia often is only applied to **family concerns, such as marriage, divorce, or inheritance**”. Horizon Institute (2018: 7) found that **Sharia law influences customary law** “by dictating the type and amount of compensation in customary agreements or imposing marriage as a resolution to rape” (Horizon Institute, 2018: 7).

Moe and Simojoki (2013: 413) found that “**Principles of Sharia are generally more advantageous than Xeer for women in terms of family rights**, including especially women’s rights to inheritance”. NAGAAD (2019: 29) also found that “While Sharia law grants women rights to inheritance and ownership, Xeer has been known to deny women their share of inheritance in both land and livelihood assets in order to protect the property of the family”. In addition, “In Sharia law a son inherits twice that of a daughter, a brother twice that of a sister, and the husband twice that of his wife” (NAGAAD, 2019: 28). Moreover, some Sharia requirements can constrain women’s and girls’ access to justice (such as requiring four male witnesses to a rape) (Bendaña & Chopra, 2013: 49).

While Sharia can be beneficial to women/girls in some respects, in others it is detrimental; furthermore, interpretation of Sharia law by fundamentalists tends to strongly disadvantage

women and girls (SIHA Network, 2018; Jordan, 2018: 41). Studies have highlighted that Somaliland has **become more conservative** due in part to the increasing influence of Wahhabist Islam, with concerns on the impact on women's rights, including their enjoyment of security and justice (Walls et al., 2017: 55, SIHA Network, 2020: 16; SIHA Network, 2018).

Weak state institutions

Formal state security and justice institutions are weak, following years of civil war and underfunding (UNSOM et al., 2019: 7). These limitations block access to security and justice for women and girls.

Police accountability is limited, and “reports of systemic abuse of power by police officers and a culture of impunity have caused a breakdown of trust between the police and the community” in Somaliland (United Nations (UN), 2020: 12; see also Saferworld & Somaliland Non-State Actors Forum (SONAF), 2018: 10). The police are “chronically under-resourced” with a “colonially inherited military ethos”, with little attention paid to people's rights and “building partnerships with communities to combat crime” (UNSOM et al., 2019: 7). A 2015 report by the SIHA Network found that only 10 per cent of the police force were women, with the police's “low capacity and lack of training in regard to sexual violence” leading to a “fear of stigma and maltreatment by the police” (SIHA Network, 2015: 50).

Looking at **justice institutions**, there are functional courts but few trained judges, limited legal documentation, and dated, inaccessible statutory law written in English, Italian or Arabic (U.S. Department of State, 2019: 8; Bendaña & Chopra, 2013: 49; Saferworld & SONAF, 2018: 7). There are widespread allegations of corruption, with a perception that the formal system tends to be slow and expensive, and “neither fair nor effective in enforcing judgements and sentencing” (Horizon Institute, 2018: 16, 17; Jordan, 2017: 5; Ahmed, 2017: 80).

Meanwhile the 2020 Freedom of the World report by Freedom House reported **conditions in prisons are “harsh and overcrowded”**, while “two Canadian women, held in Somaliland prisons for more than three months for consuming alcohol, described horrific conditions of physical and mental abuse”¹.

Normalisation of SGBV, and social stigma

A key threat to women's and girls' security is the prevalence SGBV in Somaliland, which commonly includes intimate partner violence; rape; sexual assault; female genital mutilation/cutting (FGM/C); child and forced marriage; trafficking for forced labour and/or sexual exploitation; as well as denial of resources and general discrimination (Jordan, 2017: 4; Harper, 2019: 29; UNDP et al., 2018: 19). Research has found “**a normalisation**” of – and a **widespread impunity for – SGBV** within Somaliland society, with “high rates of blame toward the victim” (Jordan, 2017: 4; Horizon Institute, 2018: 2). Certain forms of SGBV (such as marital rape, child marriage and FGM/C) “are often not viewed as violence but as sanctioned cultural norms” (Jordan, 2017: 21; Harper, 2019: 29).

¹ <https://freedomhouse.org/country/somaliland/freedom-world/2020> [Accessed 31 January 2021]

SGBV survivors face **social stigma and fear further abuse, deterring them from seeking justice** for these kinds of crimes (UN, 2019: 6; Horizon Institute, 2018: 1). Research among women from diverse backgrounds in urban settings reported a common perception that being raped “would result in an immense level of stigmatization for the survivor” and shame for her family (Byrskog et al., 2018: 41). Consequences for the survivor encompass physical and psychological damage, and can lead to suicide and migration (Byrskog et al., 2018: 41). Women and girls who have been raped may be put off using the formal justice system where they will be questioned by the police and during criminal prosecution; during customary proceedings, elders do not question victims (Horizon Institute, 2018: 18).

Limited women’s participation in security and justice decision-making

With women largely excluded from security and justice decision-making within formal and customary institutions, **women’s voice and perspective has traditionally not been valued in areas of security and justice** crucial to women and girls, and where a gender-sensitive approach is critical, such as SGBV (Walls et al., 2017: 37; Horizon Institute, 2016: 10; Fanning, 2018: 12).

There have been **attempts to strengthen the diversity of the judiciary** and there are now female prosecutors, district attorney generals, lawyers, and court registrars (Horizon Institute, 2016: 2). From only one female lawyer in Somaliland in 2000, in 2018 almost half of all national prosecutors were women (Saferworld & SONAF, 2018: 7). However, in 2016 there were **no women judges** (Horizon Institute, 2016: 2). According to Horizon Institute’s research (2016: 2-3) this is due to Somaliland’s traditional patriarchal society and conservative interpretations of Sharia. However, their research also found attitudinal change, with some members of the public and those working within the justice sector – including the Chief Justice – supportive of women judges (Horizon Institute, 2016: 4).

Women **participate in customary security and peacebuilding institutions, but these tend to be supportive rather than decision-making roles**. For example, women are involved in neighbourhood committees and security surveillance, and they also influence peacebuilding and conflict management by acting as intermediaries between their husband’s clan and their birth clan; encouraging leaders to reach agreements; and helping with the logistics of peace negotiations (Abdi Omer & Jibril, 2017: 9; Moe & Simojoki, 2013: 406-407)

Vulnerable groups

Some women and girls in Somaliland are more marginalised within society than others. They are more vulnerable to gender-based violence, and then they are more likely to experience discrimination when they seek justice. Vulnerable groups include “[**internally displaced persons**] and **refugees, young women and adolescents, minority groups, people with disabilities, and women with spouses who demonstrate gender inequitable attitudes**” (Jordan, 2017: 4).

Women and girls who are from minority clans, internally displaced and/or working in the urban informal sector are at increased risk of threats such as exploitative and dangerous labour conditions, and SGBV, alongside a lack of protection from the police (SIHA Network, 2018: 28). Research has found that they are discriminated against in both formal and customary

justice systems (Legal Action Worldwide (LAW), 2015: 6; Moe & Simojoki, 2013: 403; Rayale et al., 2015: 21).

Access to justice for women and girls is improving in urban areas but **rural areas lag behind** (Saferworld & SONAF, 2018: 7; Byrskog et al., 2018: 41). Women from rural areas are less likely to be aware of their rights or know about the formal justice system; live further away from the nearest police station or district court and lack the time and/or money to travel to them; and are more likely to rely on and trust traditional authorities over the police and state courts (Abdi Omer & Jibril, 2017: 18; Horizon Institute, 2018: 4;). Mobile courts that travel to each region and district have expanded access to justice, although their reliance on external donor support undermines their sustainability (Saferworld & SONAF, 2018: 7; Bendaña & Chopra, 2013: 46).

The reduced social status and isolation of **women and girls with disabilities** leave them vulnerable to sexual abuse; often their families may not believe their accounts of abuse and/or not be willing to seek justice for them because of the association of people with disabilities with mental instability (SIHA Network, 2015: 36). For the same reason police and judicial authorities may also be less willing to investigate such cases (SIHA Network, 2015: 36).

While noting that incidents of violence occur across women's lifespan in Somaliland (Jordan, 2017: 20), **girls are vulnerable to violence, abuse and lack of voice** within Somaliland's patriarchal and hierarchal society. Over 48 per cent of Somaliland's population is under the age of 15 (Central Statistics Department, Ministry of Planning & National Development, Somaliland Government, 2020: xxvi). Horizon (2020a: 8; 2020b: 8) found that, despite being against the law, a small number of girls 14 years or younger are being charged with crimes, while a small number of 15- to 17-year-olds are being imprisoned in police stations and prisons before a judge finds them guilty or not guilty.

4. Gendered experiences of security and justice providers

Sexual and gender-based violence (SGBV)

Women and girls in Somaliland face **high levels of SGBV** (Home Office, 2018: 6), with **the police failing to protect women and girls** (Oxfam, 2019: 1). Accurate statistics are lacking, and various forms of SGBV are considered taboo subjects². Research has found reports of rape in both urban and rural areas, with a particular risk within settlements of immigrants, returned refugees and displaced rural populations (U.S Department of State, 2019: 31; Fanning, 2018: 9; Rayale et al., 2015: 14). There was a perception in the previous decade that the incidence of

² Notwithstanding the Somaliland 2020 Health and Demographic Survey (SLHDS) found that: (Central Statistics Department, Ministry of Planning and National Development, Somaliland Government, 2020)

- "Twelve percent of women aged 15-49 had encountered physical violence since the age of 12", with older women "more likely to experience physical abuse, with one in every four women (25 percent) aged 40 years and above experiencing violence since the age of 12". (p. xxviii)
- FGM/C is high at 98 percent among women aged 15-49. (p. 200)
- "66 percent of women believe that husbands commit the most violent acts against women in the community" (p. xxviii) while "30 percent of ever-married women had ever sustained any kind of injury as a result of spousal violence". (p. 221)

rape – and in particular gang rape – was increasing, although there are not reliable statistics to confirm this (Horizon, 2018: 9; Jordan, 2017: 5, 25).

Many SGBV victims choose not to seek justice; the previous section summarised common barriers for women and girls. When an SGBV victim does seek justice, most cases are resolved through **customary law**. Research concludes that this clan-based justice is “**often harmful to victims**” of SGBV (Jordan, 2017: 38; Walls et al., 2017: 9). Under customary law SGBV perpetrators typically pay small fines in compensation or marry the victim (Home Office, 2018: 6; Oxfam, 2019: 1). Marriage “could cause long-term emotional trauma, especially in cases of marriage between victim and perpetrator” while the “lack of personal responsibility and punishment to act as a deterrent” can create “a climate of impunity” for SGBV (Jordan, 2017: 38). In particular SIHA Network (2015: 50) found a lack of accountability for multiple-perpetrator rape (under customary and statutory systems).

Some rape cases – albeit at low levels – enter the formal justice system, with some SGBV survivors supported to do so by their families, local civil society organisations (providing psychosocial counselling and legal aid) and at times also by clan elders (Jordan, 2017: 38, 41). The Office of the Attorney General reported that, of the 3,517 cases in 2017, 166 were rape cases, while Horizon Institute’s research found that, of the 6,736 criminal cases in 2016, only 239 were for rape (Horizon Institute, 2018: 9). The process involves: reporting initial case to police or medical services; a medical check-up within 72 hours, primarily by Baahi Koob³; a police investigation at Baahi Koob or women and children’s desks with a follow up by the Criminal Investigations Department (CID); report sent to the Attorney General for a decision to pursue prosecution if enough evidence exists; case will be prosecuted at the regional courts; with permitted sentencing of 5-15 years for rape, 1-5 years for sexual assault (Jordan, 2017: 41).

Weak formal institutions limit women’s and girls’ enjoyment of effective justice for SGBV, and often lead to the victim and her family opting out of the formal criminal justice process. Limitations include: (Horizon Institute, 2018: 1-4, 19, 38)

- Low capacity (lack of training and resources) of the police and CID to gather sufficient evidence to prosecute and convict (see also Moe & Simojoki, 2013: 403).
- Poor quality of forensic medical examinations and evidence collection, as most of the country does not have adequate medical facilities.
- A lack of a victim-centred approach: often investigators, medical professionals, prosecutors, and judges treat the victim “as if she is in the wrong” (Horizon Institute, 2018: 1); and insufficient victim support services.
- A lack of guidelines in how to manage rape cases, and inconsistency in implementation: for example, “there is no institution-wide policy on how a presiding judge should manage court proceedings and victim questioning in rape cases” (Horizon Institute, 2018: 28).
- With sufficient evidence, a convicted rapist can be sentenced to five to 15 years imprisonment, but this depends on the judge; convicted rapists often receive lenient sentences or can be released from prison early. (Also see Jordan, 2017: 41.)

³ Jordan (2017: 36) reported: Baahi Koob is Somaliland’s first one-stop sexual assault referral centre providing medical, legal and psycho-social support to survivors. It was established in 2008, with centres in Hargeisa, Burao, and Boroma; rural communities do not have the same access to these services (Jordan, 2017: 36).

- A requirement to pay bribes, which are unaffordable for poor families, in particular to the inadequately paid police.

Civil society organisations have campaigned for a Sexual Offences Bill to provide “a clearer definition on gender-based crimes, stronger punishments, and in general, a more comprehensive legislative framework on GBV” (Jordan, 2017: 14). However, the draft Sexual Offences Bill met with weak support in parliament (Jordan, 2017: 14). In August 2020 the lower house approved the new “Rape, Fornication and Other Related Offences Bill” and at start of 2021 this was pending upper house review (Human Rights Watch, 2021: 598). There is concern among international and local human rights organisations that this will be a step backwards for women’s and girl’s access to justice for SGBV, as it allows, among other issues, for child and forced marriage and excludes the possibility of rape within marriage (Human Rights Watch, 2021: 598; SIHA Network, 2020).

Family law and land ownership

There are “**significant barriers**” to gender equality in family law – covering issues of **child maintenance, inheritance, divorce, and marriage – and land law in Somaliland** (Bendaña & Chopra; 2013: 57; LAW, 2015; NAGAAD, 2019). This threatens women’s (and their dependents’) well-being after divorce or if their husband leaves or dies (Bendaña & Chopra, 2013: 57). While the Constitution and Sharia law recognise women’s rights to inheritance and ownership, customary law does not, and “has been known to deny women their share of inheritance in both land and livelihood assets in order to protect the property of the family” (NAGAAD, 2019: 30). Moreover, many women find it hard “to contest unfair justice processes” as they “lack solid knowledge in Islamic Law”, while men with better access to resources and capacity to choose the justice institution or official, “will appeal to Xeer norms in order to circumvent women’s inheritance rights or family rights” (Bendaña & Chopra, 2013: 58).

Some local norms and practices under customary law **violate women’s and girls’ human rights**: for example, “widows may be forced to marry a relative of the deceased husband; sisters of a deceased wife may be passed for marriage to the widower; and girls may be given into an aggrieved clan as part of a conflict resolution agreement” (Bendaña & Chopra, 2013: 54).

However, LAW (2015: 21) highlighted that some elders “**had made decisions in land cases to protect and promote the rights of women** and were interested in developing their own capacity to ensure the rights of women were recognized and upheld”.

5. Promoting gender equality in security and justice

This review found a number of activities undertaken in recent years to promote gender equality in security and justice in Somaliland. Not intended to be a comprehensive mapping, this rapid review provides only an illustrative selection of relevant activities.

- **Formal legal reform to curtail customary law for SGBV cases has had “limited impact” on practice** (Horizon Institute, 2018: 2). The 2014 “Directive of the Attorney General Against Withdrawal of Rape Cases from the Courts” is seen as an important first step which “has enabled some prosecutors and judges in major urban towns to reject customary agreements” (Horizon Institute, 2018: 2). There is anecdotal evidence of

change in Hargeisa and some recent positive experiences (Horizon Institute, 2018: 2, 46-48). However, “rape cases continue to be resolved through customary law” (Horizon Institute, 2018: 2).

- **Supporting formal institutions:** reforms to the Office of the Attorney General have included: strengthening SGBV prosecutions by assigning specialised prosecutors, and a dedicated department for monitoring the detention of juveniles in Somaliland courts and the administration of SGBV cases, among other responsibilities (Ahmed, no date: 16).
- **Supporting lawyers and legal aid:** Long-term support from international donors through the UN Joint Rule of Law Programme for Somaliland (including to legal aid providers, the University of Hargeisa law school, and the SGBV victim support centre at Hargeisa hospital) has improved access to justice for vulnerable groups (UNDP Independent Evaluation Office, 2020: 44). Other key activities have included the establishment of the Somaliland Women Lawyers Association in 2008 which aims to improve and strengthen the accessibility of justice for women⁴, and the Legal Clinic, University of Hargeisa⁵ which provides free pro-poor legal services for vulnerable groups.
- **Supporting law enforcement capacity:** the local civil society network NAGAAD⁶ undertakes various activities to improve access to security and justice, including providing capacity building to law enforcement officers (in particular to policewomen), and bridging the gap between justice and law enforcement institutions (Ali & Noel, 2020: 43). International donors have provided support to Somaliland’s police force: in 2012 UNDP supported the recruitment and training of 150 new female police officers, and established model police stations with focus on providing specialist support for women’s security concerns (UNDP, 2013: 1, 2). The current UN Joint Rule of Law Programme for Somaliland 2020-2021 is supporting closer working between traditional justice and policing services, with a specific focus on expanding access for “difficult-to-reach” rural areas and vulnerable and disadvantaged groups, including women⁷ (UNSOM et al., 2019). A 2020 press article publicised UN training to new judges of the Armed Forces Courts (AFC) including on a gender-sensitive approach to case decision-making⁸ (see also UNSOM et al., 2019: 16).
- **Supporting local traditional authorities to improve access to justice:** From 2003 to 2011 the Danish Refugee Council worked with a group of local traditional authorities in Somaliland to enhance local peace and access to justice. The first phase (2003-2010) showed that supporting revisions of customary law through Elders’ Declarations was not enough to change societal practices and did not result in enhanced security and justice for women, internally displaced persons and minorities (Moe & Simojoko, 2013: 404, 410). The second phase (2010 onwards) moved to facilitate “processes of societal contestation over how justice and security should be provided”, finding that the ways “the community policing forums or the women’s peace platforms both complement and challenge the established providers seem to be important for sparking gradual positive

⁴ <https://namati.org/network/organization/somaliland-women-lawyers-association/> [Accessed 28 January 2021]

⁵ <https://uohlegalaidclinic.com/> [Accessed 31 January 2021]

⁶ <https://nagaad.org/> [Accessed 31 January 2021]

⁷ <http://mptf.undp.org/factsheet/fund/JSO10> [Accessed 31 January 2021]

⁸ <https://www.somalilandcurrent.com/2020/02/11/somaliland-un-trains-new-armed-forces-courts-judges-on-human-rights-and-gender/> [Accessed 1 February 2020]

change” (Moe & Simojoko, 2013: 408). The 2013 review concluded the initiative had positive effects by helping “to strengthen the role of leading traditional authorities and improve co-operation among them” (Moe & Simojoko, 2013: 409). In particular “more consistent and systematic referral practices between the traditional system and religious system had led to advancements in women’s inheritance rights, as cases of inheritance are increasingly handled through the application of Sharia law” (Moe & Simojoko, 2013: 403).

- **Supporting women’s empowerment through community support and women’s coalition-building:** ActionAid, through the 2009-2011 Access to Justice for Women Programme (funded by UK’s Department for International Development (DFID) and the Danish Ministry of Foreign Affairs), provided capacity-building training to paralegal groups, violence against women watch groups and women mediator groups. Group members were provided with financial support to establish small businesses and other livelihoods (ActionAid, 2017: 45-46). Ten women’s coalitions were set up (with combined membership of over 2,000 women); three were subsequently formally registered as women’s rights advocacy groups. A key achievement was an “average increase from 25% to 60% in the number of women gaining positive verdicts through the formal and informal systems” (ActionAid, 2017: 7). Limitations included the short timeframe in which to address complex challenges, while more attention was needed to changing attitudes and behaviours rather than using tighter policing and punitive measures to deter rights violations against women (ActionAid, 2017: 47). A key recommendation is to “scale up” empowerment from the personal to the local and then the national level, with women’s economic empowerment a key factor (ActionAid, 2017: 47).

Challenges and lessons learned

The 2020 the UNDP independent evaluation of its Somalia country programme found that despite working on rule of law in Somalia (including Somaliland) for many years, **detailed evidence on the impact (rather than activities and outputs) of rule of law interventions was still lacking** (UNDP Independent Evaluation Office, 2020: 45). With a lack of rigorous time-series data “it is impossible to say confidently whether rule of law has improved over this period or whether Somali citizens feel safer or better served” (UNDP Independent Evaluation Office, 2020: 45). UNDP began “to undertake baseline studies in 2017 and in 2018, established a project on SDG 16⁹ to collect and analyse data at the outcome level” (UNDP Independent Evaluation Office, 2020: 45).

Taking stock of past lessons learned and various evaluations, UNSOM et al. (2019: 8-9) summarised the importance of (among other points):

- **Prioritising the most marginalised**, especially outside urban areas.
- **Focusing on the quality** of security and justice services (such as from a human rights perspective) as well as increasing supply.

⁹ Sustainable Development Goal 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. <https://sdgs.un.org/goals/goal16> [Accessed 3 February 2021]

- **Supporting a cohesive prioritised strategy** that “treat Justice, Policing, Corrections and Security as interconnected and co-dependent parts of a single system”, rather than as previously “too many disparate and unfunded activities”.
- **Linking “with non-state actors** who are the main providers of safety, security and justice”.

From a literature review covering Somalia as well as Somaliland, Harper (2019: 3) drew out implications for future access to justice programming:

- “... **progress will often be incremental and non-linear**” as “gender-based discrimination and social exclusion is rooted in culture, deeply entrenched norms and established power hierarchies”. Programming needs to have realistic, pragmatic and modest goals.
- “Gains in protection, inclusivity and empowerment need to be approached through a **social cohesion and conflict sensitivity lens**”, given that “interventions promoting gender equality, non-discrimination and enhanced participation have the potential to cause harm and result in increased violence or a consolidation of existing hierarchies”. Programming needs individual and community level risk assessment tools.
- The notion of informed decision-making on the part of the rights holder is important: “A **key role of paralegals and legal services providers** will be to assist beneficiaries understand the rights and options *against* their broader social, economic and security context”.

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